IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

NO. 73-224

ROBERT M. ROSE, M.D., DORIS D. ROSE,
Appellants,

versus

COMMISSIONER OF INTERNAL REVENUE,
Appellee.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for
the Fifth Circuit

PETITION FOR REHEARING FROM
DENIAL OF CERTIORARI

ROBERT M. ROSE, M.D.
Appellant
Pro Se
ROSE

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1973

No. 73-224

Robert M. Rose, M.D.
Doris D. Rose,
Petitioners

v.

Commissioner of Internal Revenue,
Respondent

On Petition for a Writ of Certiorari to the United States Court of Appeals for The Fifth Circuit

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PETITION FOR REHEARING FROM DENIAL OF CERTIORARI

Comes now, Robert M. Rose, M.D., pro se, and respectfully petitions this Honorable Court for rehearing and reconsideration from its denial of Certiorari of October 23, 1973, in the captioned cause.

Petitioner respectfully avers as new matter that there exists at this time a crisis of Public confidence in the Federal Court system of this Nation. The indifference and neglect of a petitioner's Constitutional Right to be heard and to

fair and equal process in the Federal Courts as demonstrated by the Court's denial of review and relief in this cause, gives further foundation to the current, increasing Public disenchantment with our Federal system of Justice.

Throughout the history of this litigation, your Petitioner has been overreached by the prediliction of the Federal Courts to adhere to their original egregious error, to consistently avoid and fail to pass on and resolve the issues presented, and to add insult to injury by attaching further presumptions of truth and verity to every statement and argument of the Commissioner while utterly disregarding and, in fact, stooping to ignore the overwhelming and uncontradicted evidence supporting your Petitioner's Constitutional Right to review and reversal of the judgments based on fraudulent findings of fact by the courts, against him, and by the Tax Court's further, initial averrment that those facts had been stipulated.

This Court, consistent with the mandate of the Congress and trend of the times respecting other abuses of public trust and confidence in high places, as demonstrated by the Watergate hearings, should grant this Petition for Rehearing, cause a complete investigation to be made of the Tax Court's frauds against Petitioner, and their repetition and affirmation by the lower courts, which have made a mockery of justice and the judicial process in the Tax and Federal Courts.

Res judicata is no sacred cow. Justice is more important than consistency. Injustice feeds upon itself so that eventually, in the ultimate sense, each private hurt, in time, amounts

to public wrong. In all fairness, this Court should grant this Petition for Rehearing and set this matter for rehearing in order to allow Petitioner his Constitutional Right to be heard and to have his first day in court in the history of this cause.

WHEREFORE, Petitioner respectfully requests that this Petition for Rehearing be granted and that upon hearing, this Honorable Court will grant your Petitioner the relief prayed for.

Respectfully submitted,

Robert M. Rose, M.D., Pro Se
4440 Magnolia St. - Suite #312
New Orleans, Louisiana 70115

Date: _____

CERTIFICATE

Petitioner hereby states that this Petition for Rehearing is presented by him in all good faith and not for any delay.

Petitioner hereby reaffirms his faith, and belief that this last Court of Appeal should uphold his Constitutional Right to fair trial, due process and justice, which responsibility the lower courts have so clearly disregarded.

Petitioner, obviously, has no other path for relief than that which this Court can now grant.

This petition is clearly restricted to the grounds above specified.

Sworn to this _____ day of November, 1973.

_____
Robert M. Rose, M.D., Pro Se
4440 Magnolia Street - Suite #312
New Orleans, Louisiana 70115

CERTIFICATE OF SERVICE

I HERBY CERTIFY that I have this day sent three true copies of Petition for Rehearing from Denial of Certiorari via first class, U.S. Airmail, postage prepaid to the following:

Hon. Erwin N. Griswold
Solicitor General
Office of the Solicitor General
Department of Justice
Washington, D. C. 20530

_____
Robert M. Rose, M.D., Pro Se
4440 Magnolia Street - Suite #312
New Orleans, Louisiana 70115

Date: _____